

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. R-06/08-241
)
 Appeal of)

INTRODUCTION

The petitioner appeals decisions by the Department for Children and Families, Economic Services Division reducing her RUFA benefits and her Food Stamps. The issue is whether the petitioner's son's receipt of SSI benefits affects her benefits under these programs.

FINDINGS OF FACT

1. The petitioner lives with her five children. The family receives RUFA and Food Stamps. In April 2008 one of her children began receiving SSI benefits of \$689 a month. Based on this change in circumstances the Department sent the petitioner notices reducing her RUFA benefits from \$831 to \$769 a month effective May 15, 2008, and reducing her Food Stamps from \$515 to \$504 a month effective June 1, 2008.

2. The petitioner filed a timely appeal, and a hearing was held on August 8, 2008. The petitioner questioned whether her son's receipt of SSI should affect her RUFA and Food Stamps. However, she did not dispute that the

Department had correctly determined her household's income and expenses.

3. In a written filing dated August 27, 2008 the Department explained that it was required to remove her son's needs from her RUFA grant because of his receipt of SSI. This results in the petitioner's RUFA benefits being calculated as a household of five rather than six persons. However, the resulting reduction in the amount of the household's RUFA benefits (\$62) is nowhere near the SSI amount (\$689) her son is now receiving.

4. In that same filing the Department also explained that for Food Stamps, although her son remains a member of her household, the overall net increase in household income results in a reduction in Food Stamps. Again, however, the amount of that reduction (\$11) is more than offset by her son's SSI benefits.

ORDER

The Department's decision is affirmed.

REASONS

Under the RUFA regulations recipients of SSI benefits are not considered members of the household, and their income is not attributable to the rest of the household in

determining the remaining household's eligibility. See W.A.M § 2422. This usually results in a net benefit to households, as it does in the petitioner's case, because the amount of SSI usually exceeds the reduction of RUFA caused by a reduction in household size.

Although similar provisions regarding household composition do not exist in the Food Stamps program, the regulations are clear that all unearned income, including SSI and RUFA, from all household members must be considered in determining the household's eligibility for Food Stamps. Food Stamp Manual § 273.9(a).

In this case there is no dispute that the Department correctly determined the amount and sources of the petitioner's household income. Inasmuch as it appears that the Department's consideration of that income is in accord with the respective regulations for RUFA and Food Stamps, its decisions reducing the petitioner's benefits under those programs must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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